

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) DIPTIBEN MISTRY,)
Plaintiff,)) Case No. CIV-12-34-F
vs.)
(1) CHANDRAKANT UDWADIA and,)
(2) NILAM UDWADIA,)
Defendants.)

JOINT MOTION FOR MUTUAL DISMISSAL WITHOUT PREJUDICE

COMES NOW, the Plaintiff Diptiben Mistry (“Plaintiff”) and Defendant Chandrakant and Nilam Udwadia (“Defendants”) (collectively referred to as “Parties”), by and through their counsel of record, pursuant to Fed.R.Civ.P. 41 (a) (2) and move the Court to dismiss without prejudice Plaintiff’s claims against Defendants, and the Parties further request that the Court dismiss without prejudice Defendants’ Counterclaim against the Plaintiff, pursuant to Fed.R.Civ. P.. 41 (c). In support of this Motion, the Parties allege and state as follows:

1. On or about January 10, 2012, Plaintiff filed a Complaint in the United States District Court for the Western District of Oklahoma, alleging five claims for relief under the Trafficking Victims Protection Act of 2003, 18 U.S.C. § 1589 (forced labor) and §1590 (human trafficking); the Alien Tort Statute, 28 U.S.C. § 1330; and the Oklahoma Human Trafficking Act, 21 Okla. Stat. § 748.2, all derived from Plaintiff's courtship and marriage to Defendants' son.

2. On or about March 5, 2012, Defendants filed an Answer and Counterclaim to Plaintiff's Complaint alleging Plaintiff's claims for relief were an abuse of process under Oklahoma state law.

3. Two events have caused further prosecution of Plaintiff's Complaint and Defendants' Counterclaim impossible. First, Plaintiff has temporarily left the United States and returned to her home country of India to await processing of a new U.S. visa. Plaintiff's return date is uncertain. Second, lead counsel Allison Lefrak and Lynsay Gott's employer, Human Rights USA, a non-profit organization founded in 1996, has closed for business due to funding difficulties. Ms. Lefrak and Ms. Gott are no longer able to prosecute Plaintiff's claims.

WHEREFORE, premises considered, the Plaintiff Diptiben Mistry and Defendants Chandrakant and Nilam Udwadia request the Court dismiss without prejudice Plaintiff's five claims for relief against Defendants as alleged in her Complaint and further request the Court order Defendants' Counterclaim for abuse of process against Plaintiff dismissed without prejudice.

Respectfully submitted,

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